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January 11, 2007

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VIA HAND DELIVERY

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **Matter Under Review 5881 (Robert T.E. Lansing)**

Dear Mr. Norton:

This response is filed on behalf of Robert T.E. Lansing in the above captioned matter.

In short, the Complaint asserts that Mr. Lansing made excessive contributions to Club for Growth Inc. PAC ("Club PAC") in 2006, but the fact is that Mr. Lansing did not make excessive contributions. The Complaint also asserts that Mr. Lansing made contributions to Club PAC with the knowledge that such contributions would be used to support the campaign of Tim Walberg. This is untrue. The fact is that Mr. Lansing had no knowledge of how Club PAC was going to use any contributions when he made his permissible contributions.

Because the allegations against Mr. Lansing have no basis in either the facts or the law, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Mr. Lansing violated the Federal Election Campaign Act ("Act") and dismiss the Complaint against Mr. Lansing.

THE COMPLAINT

The Complaint was filed by the campaign of Michigan candidate Joe Schwarz, Schwarz for Congress, on November 16, 2006. The Complaint makes two unsubstantiated charges against Mr. Lansing. First, the Complaint (in Count 1) alleges that Mr. Lansing made contributions in excess of \$5,000 to Club PAC in 2006. Second, the Complaint (in Count 3) alleges that Mr. Lansing, among others, "knew that a substantial portion of their contributions to CFG-PAC would, in fact, be expended to support Walberg for Congress" and, as such, "exceeded the \$2,100 limit to Walberg for Congress for the 2006 primary election".

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The Complaint attaches, as Exhibit 4, a computer disc purporting to show contribution data for contributions by certain persons to Club PAC and to Walberg for Congress. This data, along with the interpretation of the data in the Complaint, does not match the data found on the Commission's website or as found in the reports of Club PAC, also found on the Commission's website.

THE FACTS

Contrary to the allegations in the Complaint, Mr. Lansing did not engage in any conduct contrary to the Act. Mr. Lansing simply made permissible and reported contributions to Club PAC as well as earmarked contributions to candidates.

Mr. Lansing made four contributions to Club PAC in 2006, totaling \$5,000. Affidavit of Robert T.E. Lansing ¶¶ 2-3, dated January 5, 2007, attached hereto at Tab A [hereinafter "Lansing Aff."]. Mr. Lansing made no additional contributions to Club PAC in 2006. *Id.* ¶ 3.

In addition, Mr. Lansing made the following earmarked candidate contributions in 2006, which the Complaint erroneously categorizes as contributions to Club PAC:

- \$1,000 to Walberg for Congress (made on July 19, 2006)
- \$1,000 to Lamborn for Congress (made on July 19, 2006)

Id. ¶ 5. (The data attached to the Complaint at Exhibit 4 mistakenly counts these earmarked candidate contributions as contributions by Mr. Lansing to Club PAC itself (using the receipt date of July 25, 2006), thereby incorrectly pushing Mr. Lansing over the \$5,000 yearly contribution limit for 2006 in the analysis of the Complaint.)

THE LAW

An individual may contribute up to \$5,000 per calendar year to a non-candidate, non-party political committee. 11 C.F.R. § 110.1(d). An individual also may contribute \$2,100 per election to a candidate for federal office subject to an aggregate limit of \$40,000 per election cycle. *Id.* §§ 110.1(b)(1), 110.5.

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Section 110.1(h) of the Commission's regulations provides, in pertinent part, as follows:

(h) *Contributions to committees supporting the same candidate.* A person may contribute to a candidate or his or her authorized committee with respect to a particular election and also contribute to a political committee which has supported, or anticipates supporting, the same candidate in the same election, as long as--

...

(2) The contributor does not give with the knowledge that a substantial portion will be contributed to, or expended on behalf of, that candidate for the same election; and

....

Id. § 110.1(h).

DISCUSSION

A. Mr. Lansing Did Not Make Any Excessive Contributions

The allegation in the Complaint that Mr. Lansing made excessive contributions to Club PAC is erroneous. Contrary to the faulty data attached to the Complaint at Exhibit 4 and per the data posted on the Commission's website, Mr. Lansing's contributions to Club PAC complied with the \$5,000 per-calendar-year limit contained in 11 C.F.R. § 110.1(d). Lansing Aff. ¶¶ 2-3. The other contributions by Mr. Lansing that the Complaint alleges to have been made to Club PAC were in fact earmarked candidate contributions made by Mr. Lansing through Club PAC and were reported as such. *Id.* ¶ 5. *See also* page from Club PAC reports from the FEC database attached at Tab B (showing earmarked contributions). The Complaint simply uses erroneous data and makes faulty deductions from such data.¹

¹ For whatever reason, the donor lookup program on the Commission's website incorrectly lists Mr. Lansing's Lamborn and Walberg earmarked contributions as contributions to Club PAC,

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B. Mr. Lansing Did Not Know How Club PAC Was To Use His Contributions

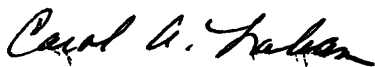
The Complaint alleges that Mr. Lansing inappropriately contributed to Club PAC because he purportedly knew that his contribution was going to be used to support Walberg for Congress. This is simply incorrect.

In contrast to the Complaint's assertions about individual contributors' knowledge about future Club PAC activity, it is clear from Mr. Lansing's sworn affidavit that he did not know how Club PAC would use contributions that it received from individuals like himself, other than to support conservative candidates generally. Lansing Aff. ¶ 4. Mr. Lansing did not have any knowledge that his contribution to Club PAC would be used for any particular campaign or to support any particular candidate, much less Walberg for Congress. Accordingly, Mr. Lansing did not make excessive contributions to the Walberg campaign by virtue of his Club PAC contributions, for he lacked the "knowledge" requirement found in 11 C.F.R. § 110.1(h).

CONCLUSION

In sum, the Commission should find no reason to believe that Mr. Lansing violated the Act and should dismiss him from this Matter. Mr. Lansing neither made excessive contributions to Club PAC nor made excessive contributions to Walberg for Congress through the operation of 11 C.F.R. § 110.1(h).

Sincerely,



Carol A. Laham
D. Mark Renaud

(Continued . . .)

but the underlying page from the Club PAC report to which the donor lookup program links clearly shows that the contributions were earmarked contributions to the two campaigns. *See also* Tab C (copies of candidate checks).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Club for Growth, Inc. PAC
et al.

MUR 5881

Affidavit of Robert T.E. Lansing

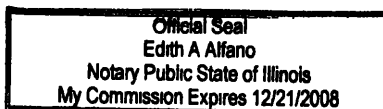
1. My name is Robert T.E. Lansing, and I make the following statements to the best of my knowledge and belief.
2. In 2006, I made the following four contributions to Club for Growth, Inc. PAC:
 - \$500 (made on February 28, 2006)
 - \$2,000 (made on March 28, 2006)
 - \$1,000 (made on July 19, 2006)
 - \$1,500 (made on August 10, 2006)
3. My contributions to Club for Growth, Inc. PAC in 2006 totaled \$5,000. I did not make any additional contributions to Club for Growth, Inc. PAC in 2006.
4. When I made the above-described contributions to Club for Growth, Inc. PAC, I did not know how Club for Growth, Inc. PAC might use the funds contributed other than to support conservative candidates generally.
5. I also made the following earmarked candidate contributions in 2006 that relate to this Complaint:
 - \$1,000 to Walberg for Congress (made on July 19, 2006)
 - \$1,000 to Lamborn for Congress (made on July 19, 2006)

Under penalty of perjury and any other penalties possibly applicable under law, I swear that the foregoing statements are true to the best of my knowledge, belief, and recollection.


Robert T.E. Lansing

Sworn and subscribed to
Before me this 5 day of
January, 2007.


Notary Public



My commission expires: 12/21/08

(A)

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**SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS**Use separate schedule(s)
or each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 460/1743

(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16 <input type="checkbox"/> 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)
CLUB FOR GROWTH INC PAC



A Full Name (Last, First, Middle Initial) Robert Lansing Mailing Address 270 Westminster #300 City Lake Forest State IL Zip Code 60045 FEC ID number of contributing federal political committee C Name of Employer Litchfield Advisors Inc Receipt For: Primary General Other (specify) Aggregate Year-to-Date 3500.00		Date of Receipt 07 / 25 / 2006 Transaction ID: SA11A1.85865 Amount of Each Receipt this Period 1000.00
B Full Name (Last, First, Middle Initial) Robert Lansing Mailing Address 270 Westminster #300 City Lake Forest State IL Zip Code 60045 FEC ID number of contributing federal political committee C Name of Employer Litchfield Advisors Inc Receipt For: 2006 Primary General Other (specify) Aggregate Year-to-Date .00		Date of Receipt 07 / 25 / 2006 Transaction ID: SA11A1.87008 Amount of Each Receipt this Period 1000.00 Earmarked: Lamborn for Cong. House CO-5 [MEMO ITEM]
C Full Name (Last, First, Middle Initial) Robert Lansing Mailing Address 270 Westminster #300 City Lake Forest State IL Zip Code 60045 FEC ID number of contributing federal political committee C Name of Employer Litchfield Advisors Inc Receipt For: 2006 Primary General Other (specify) Aggregate Year-to-Date .00		Date of Receipt 07 / 25 / 2006 Transaction ID: SA11A1.87009 Amount of Each Receipt this Period 1000.00 Earmarked: Walberg for Cong. House MI-07 [MEMO ITEM]
SUBTOTAL of Receipts This Page (optional)		1000.00
TOTAL This Period (last page this line number only)		

FEC Schedule A (Form 3X) Rev. 02/2005

(B)

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ROBERT T. E. LANBING KATHRYN H. LANBING		LAKE FOREST BANK TRUST COMPANY LAKE FOREST, ILL. 60045	7232
Pay to the order of Walberg For Congress		Date 7/19/2006	\$ 1,000.00
One Thousand and 00/100		DOLLARS	
Walberg for Congress		 Security features included. Details on back.	
JUL 24 2006			
Memo	Contribution		

(c)

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ROBERT T. LANSING KATHRYN H. LANSING		LAKE FOREST BANK TRUST COMPANY	7233
Date 7/19/2006		771,000.00	
Pay to the order of Lamborn For Congress		DOLLARS	
One Thousand and 00/100		Security features included. Details on back.	
Lamborn for Congress		JUL 24 2008	
Memo Contribution		<i>RLansing</i>	